

July 8, 2021

Ending the Modifications to Substance Use Disorder Treatment Licensing Requirements

In May 2020, the commissioner issued a waiver suspending or modifying certain substance use disorder treatment program licensing requirements so that essential services could continue during the COVID-19 pandemic. In January 2021, programs were directed to begin resuming certain requirements. On June 30, the Minnesota Legislature voted to end the state peacetime emergency effective Thursday, July 1, 2021, at 11:59 p.m. This means that some temporary modifications put in place during the COVID-19 peacetime emergency will be ending immediately while other modifications will end on August 30, 2021. The legislature only allowed DHS to extend some of the waivers for 60 days beyond the end of the peacetime emergency, after which providers must return to following all licensing requirements as provided in rule and statute. Although the waivers to licensing requirements are ending, one modification became permanent by changes to law this session. License holders must resume meeting requirements in statute according to the following timelines.

Effective immediately:

1. DHS recommends that providers continue to follow COVID-19 guidance from the Minnesota Department of Health (MDH) and the Centers for Disease Control and Prevention (CDC).
2. Providers are no longer required to maintain and update a COVID-19 preparedness plan; however, providers may find their plan to be a useful resource in the event someone tests positive for COVID-19.
3. If a client's right to have in-person visitors at the program is restricted, the reason must be documented in the client's file.
4. Group counseling must be offered to each client if clinically appropriate.
5. For adolescent clients, treatment plans must contain documentation of coordination with the school system.
6. Opioid treatment programs must have a 5% sample of clients return to the program each month to verify their number of take home medication doses to identify any possible diversion or misuse.
7. Opioid treatment programs must conduct outreach activities in the community to encourage individuals in need of treatment to undergo treatment.

Effective on August 31, 2021 (60 days after the end of the peacetime emergency):

Effective August 31, 2021, your program must be fully compliant with all relevant statutes and rules, including the following previously waived requirements that have not otherwise expired:

1. Initial services plans must be completed within 24 hours of a client's day of service initiation.

2. Treatment plan reviews must be completed weekly, or after each treatment service, whichever is less frequent, or for opioid treatment programs as required in Minnesota Statutes, section [245G.22, subdivision 15](#).
3. Modifications to CPR and first aid training requirements that allowed all online courses end. The content of courses used to meet first aid and CPR certificate requirements must be equivalent to American Red Cross or American Heart Association certificate requirements.
4. Programs must only give clients the number of take home doses permitted by Minnesota Statutes, section [245G.22, subdivision 7](#), or as authorized by an exemption under Minnesota Statutes, section [245G.22, subdivision 8](#).
5. Discharge summaries must be completed within five days of the client's discharge.

Telehealth licensing waivers extended through August 30, 2021 (60 days after the end of the peacetime emergency):

The following items will continue as licensing waivers through August 30, 2021. The activities allowed by these waivers may continue beyond this date dependent on recent changes in law. We will provide more information prior to August 30, 2021 regarding the continued use of telehealth as currently allowed by the waivers.

1. Counselors, recovery peers, and treatment coordinators may provide treatment services via telephone or video communication.
2. Comprehensive assessments may be completed by telephone or telehealth.

Modification made permanent by new law

Programs are now required to comply with the following documentation requirement related to telehealth. This item was previously a modification, but was passed and became law as a permanent requirement by the legislature, effective July 1, 2021:

If a client is receiving treatment services or an assessment via telehealth and the alcohol and drug counselor documents the reason the client's signature cannot be obtained, the alcohol and drug counselor may document the client's verbal approval or electronic written approval of the treatment plan or change to the treatment plan instead of the client's signature.